

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

3700 ASSOCIATES, LLC,

Plaintiff,

vs.

INTER WIRES, INC.,

Defendant.

Case No. 2:07-cv-01460-PMP-GWF

FINDINGS & RECOMMENDATIONS

This matter is before the Court on the failure of Defendant Inter Wires, Inc. to retain counsel pursuant to Order (#24) filed on January 8, 2008.

DISCUSSION

In the Court's Order #24, the Court stated that Defendant, a corporation, is required to be represented by counsel and that its Answer was subject to being stricken and its default entered if it failed to timely retain counsel to represent it in this action. In its Order, the Court gave Defendant ten (10) days from the entry of the order, i.e., until January 18, 2008, to retain counsel. The Order further stated that if Defendant failed to comply with the Order, a recommendation would be made that Defendant's Answer be stricken and its default entered. Defendant has failed to comply with the Court's order. Accordingly,


RECOMMENDATION

IT IS RECOMMENDED that the Defendant's Answer to Plaintiff's Complaint (#13) be stricken, default entered, and that Plaintiff be authorized to apply for entry of a default judgment against the Defendant.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 25th day of January, 2008.



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE